

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: APRIL 18, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

VACATION

VAC-13850 – PUBLIC HEARING - APPLICANT/OWNER: WILLIAM LYON HOMES -  
 Petition to Vacate public rights-of-way generally located west of the intersection of Horse Drive  
 and Coke Street, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend  
 APPROVAL

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

1

City Council Meeting

0

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

0

City Council Meeting

0

**RECOMMENDATION:**

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter

Passed For: 0; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
 None; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

SCOTT SWAP, William Lyons Home, 500 Pilot Road, agreed with staff's recommendations and  
 requested approval.

JOHN KITCHEN, 7720 Horse Drive, stated this nightmare began several years ago with the  
 County Commission and now with the City and the County. In the end, he believes he has a  
 viable criminal case and will be filing with the United States Justice Department. He was  
 displeased that the Planning Commission Chairman violated his privilege to speak on this matter,  
 and the representative with Lyons Homes made false statements and was denied a rebuttal. He  
 highly recommended abeying the item until the matter is resolved.

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BART ANDERSON, Public Works Department, explained that the parcel MR. KITCHEN has referred to is located in Clark County so the County's concurrence is required then both Vacations is recorded simultaneously. Horse Drive is essentially an orphan street, as it will not extend to the east or west; land locking of parcels falls upon the applicants who are required to provide a solution to avoid land locking. With that, he concluded that there is no technical reason as to why this application cannot go forward.

MR. ANDERSON informed COUNCILMAN ROSS that there are applications within Clark County that have already been heard by Clark County and believed that the subject parcel was included. Although Condition 2 of this application is non-specific, it does speak of the two already approved vacations.

COUNCILMAN ROSS noted that this is the first time he has heard any comments relative to opposition. MR. KITCHEN detailed his past experiences on this issue and questioned if the proposed homes are built, how it would benefit his property. He owns 10 acres and the developer owns five acres, so there is no reason to close the roads. He reiterated that he believed he had a viable criminal case against Lyons Homes, and the matter should be addressed within the courts.

COUNCILMAN ROSS appreciated MR. KITCHEN'S comments and understood his concerns but decided to move forward with the application. Lyons Homes has done wonderful things in the community and he holds them to a high standard.

MAYOR GOODMAN declared the Public Hearing closed.

